

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the following remarks.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-5, 7-19 and 21-36 are currently pending.

### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-5, 7-8, 10, 14-19, 21, 22, 24 and 28-36 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,619,247 to Russo (hereinafter, merely “Russo”) in view of U.S. Patent No. 6,157,377 to Shah-Nazaroff et al. (hereinafter, merely “Shah-Nazaroff”).

Claims 9-11 and 23-25 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and in further view of U.S. Patent No. 5,790,236 to Hershtik et al. (hereinafter, merely “Hershtik”).

Claims 12, 13, 26 and 27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Russo in view of Shah-Nazaroff and further in view of U.S. Patent No. 6,588,015 to Eyer et al. (hereinafter, merely “Eyer”).

### **III. RESPONSE TO REJECTIONS**

Claim 1 recites, *inter alia*:

“An information recording apparatus comprising:

**...wherein said dubbing information comprises status information transmitted for conversion prior to said unloading."**

(emphasis added)

As understood by Applicants, Russo relates to a stored program pay-per-play system including a high-capacity storage medium facilitating compilation of video, audio or other programs at a subscriber's site. While the recording of such programs may take place at any time preceding playback, billing occurs only when, and if, the subscriber chooses to select a program for replay or actually enjoys the program substantially in its entirety. Billing is alternatively based on a store-credit or account debiting scheme. The recording of program materials may be directed automatically by subscriber-operated storage management facilities which scan program schedules and select materials to be recorded, based on title, cast, program genre or any other of a variety of viewer/listener preferences.

As understood by Applicants, Shah-Nazaroff relates to purchasing upgraded media features for programming transmissions. An entertainment system includes a user interface from which a viewer selects an upgraded media feature for a programming transmission, where the programming transmission with the upgraded media feature is provided to the entertainment system.

On page 3 of the Office Action, the Examiner contends that Shah-Nazaroff transmits status information to the client prior to unloading. Applicants respectfully disagree. Shah-Nazaroff discloses billing information, credit-card information and programming information, but not status information as recited in the instant claims.

Applicants respectfully submit that Russo and Shah-Nazaroff, taken alone or in combination, fail to teach or suggest the features of claim 1. Specifically, Applicants submit that there is no teaching or suggestion in Russo or in Shah-Nazaroff for an information

recording apparatus wherein said dubbing information comprises status information transmitted for conversion prior to said unloading, recited in claim 1.

Indeed, Applicants submit that purchasing an upgraded media feature to receive a recordable version for an additional \$1.50 and also selecting an audio upgrade for \$0.50, as disclosed by Shah-Nazaroff, provides no disclosure of varying the amount of charge according to the quality of the dubbing information stored in a recording medium wherein said dubbing information comprises status information transmitted for conversion prior to said unloading.

Applicants' note that the other relied upon art does not disclose any feature pertaining to the aforementioned features of claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 15, 29 and 33 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 15, 29 and 33 are patentable.

#### IV. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

**CONCLUSION**

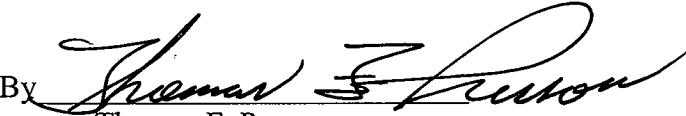
In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800